

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

THOMPSON *AT*

CHILCOTT *q*

DRISCOLL *KD*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta
Grandstaff, Commissioner Jim Rokosch, Commissioner Alan Thompson and
Commissioner Kathleen Driscoll

Date..... June 26, 2008

Minutes: Beth Perkins

► Commissioner Chilcott attended a MACo Board of Directors and JPA meeting in Helena.

► Commissioner Rokosch attended a Transportation Committee meeting in the morning.

► The Board met for discussion and decision on an Indigent Burial request for Kellie Snell from Daly Leach Funeral Home. Tom presented the Board with a summary of expenses for the burial. He stated it was requested by the family to not use cremation for religious reasons.

Commissioner Thompson made a motion to approve the indigent burial costs be paid for Kellie Snell in the amount of \$2,625.00 to Daly Leach Funeral Home. Commissioner Rokosch seconded the motion and all voted 'aye'.

Commissioner Grandstaff discussed the possibility of changing the indigent burial policy to cremation services due to the cost of burials.

► The Board met for a presentation on Waste Water Treatment with Norweco.

Minutes: Glenda Wiles

► The Board met for a public hearing on a petition to abandon Front Street from Lot 5A to Lot 10 in Corvallis. Present was Petitioner Tim Smith, Surveyor George Marshall and numerous guests. Glenda Wiles read the legal notice noting the dates of publication to be

June 12th and June 19th. George presented a Viewers Report as signed by Commissioner Thompson, Road Supervisor David Ohnstad and himself as follows:

VIEWERS' REPORT
PETITION TO ABANDON A PORTION OF
FRONT STREET, CORVALLIS

On June 11th, 2008, Alan Thompson, Ravalli County Commissioner, David Ohnstad, Ravalli County Road Supervisor, and George Marshall, Montana Licensed Surveyor No. 36939 viewed the portion of Front Street between Blocks 9 & 10, Corvallis, being in the SE¼SE¼ of Section 32, Township 7 North, Range 20 West, PMM, Ravalli County, Montana.

Timothy Smith and others have petitioned the Ravalli County Board of County Commissioners to abandon the west 11 feet of said Street between the south line of the east 11 feet of Lot 3A, Amended Plat No. 589684, and the north line of Second Street, Corvallis, for an approximate distance of 210.10 feet.

Viewers make the following observations:

- Front Street was created by the Plat of Corvallis in 1879. We find no specific dedication to the public. The platted width was 72 feet.
- Front Street is under the jurisdiction of and maintained by Ravalli County.
- The west 11 feet of Front Street between Blocks 9 & 10 extending north from the strip currently proposed for abandonment was previously abandoned as documented in C.J. 5-281.
- The east 22 feet of Front Street between Blocks 9 & 10 was previously abandoned as documented in C.J. 5-281 and C.J. 9-217.
- The proposed abandonment would leave Front Street a uniform width of 39 feet between Blocks 9 & 10.
- The extension of Front Street south of Second Street between Blocks 11 & 12 is currently 32 feet in width, the result of abandonment of the west 18 feet and the east 22 feet thereof.
- Front Street is unpaved and serves as an alley for practical purposes.
- The strip of proposed abandonment is currently used by the adjacent landowners in combination as fenced yards, and a sidewalk, landscaping, and parking appurtenant to the Corvallis Condominiums. A portion of the entrance eaves to the Corvallis Condominiums appear to extend into the petitioned strip.
- Utilities within Front Street consist of an underground 2" gas line, an 8" Corvallis Sewer District line, and two underground communications lines. Operation of and access to these utilities will not be compromised by the granting of this abandonment.
- Public use of the petitioned strip is not anticipated.

George noted part of this 11' strip includes neighborhood encroachments which include a 6' tall privacy fence, sidewalks and landscaping. George also noted there are no underground utilities in this strip. If abandoned, this will leave a 39' width for Front Street.

Timothy Smith stated he has owned his property for the past 10 years. He stated he placed this privacy fence along this existing easement and noted there is a large tree that creates a dog leg hindering any direct travel. He contacted Corvallis Condominiums and they were also unaware their sidewalk encroached into the easement. Both he and the Condo owners thought they were the owners of this strip of land.

Engineer Roger DeHaan representing Corvallis Sewer District stated in the last Front Street abandonment hearing (which Tim was the petitioner of also) they asked to be notified if any other abandonment procedures were to be requested. He was not notified of this hearing, and their main concern is to make sure if this portion of Front Street is abandoned it will not affect the easement so the Sewer District has space to work and lay lines if needed. He stated they do not know the future of the Town site of Corvallis and the easement guarantees them the ability to have a place for the sewer facilities when growth occurs. Roger noted there is a dog leg in the road because of the previous northern abandonment for Tim Smith. This petition should not be granted. Roger also advised the Commissioners 'if they were going to give up property, don't give away, charge top dollar'. He stated the Sewer District would like to review this easement prior to the Commissioners making any decisions on the petition to abandon.

George stated he called One Call Locate and they did not mark any sewer utilities in this easement.

Carol Peterson of Corvallis Sewer Board stated to receive One Call services there is a fee; therefore the district likes to mark their own utilities.

Tim stated no one will utilize this area because of the dog leg. All the utilities must be laid in a straight line. In regard to selling it to him and the Condo Owners; it is his understanding these easements belong to the people in trust, not the county. Therefore in his opinion the county could not sell this 11' strip of land. If it went to auction, both he and the owners of the Corvallis Condo's would be the only people interested in this 11' strip. They do not want to encroach on anything other than the area where the existing sidewalk, fences, landscaping and trees are.

Carol stated the land is part of the original town site that was formed in 1881, and the streets and alley ways belong to the county. Because the right-of-ways are large, people have taken advantage of that open space by placing encroachments there.

Chuck McCrea stated many of those lots are 25' wide lots. He would like to make sure they review where the sewer lines are before any action is taken.

George stated if the ownership of those platted alleyways is an issue, it would bear some more research. This is an 1879 plat which would require more research in regard to ownership.

Roger stated it is a simple issue to locate the sewer; the bigger issue is planning for the future. While they would not like to utilize an area with a dog leg, the future is unknown what the districts need will be.

Carol stated this area is the back entrance to the lots along Eastside Highway, and they would like to continue the ability to utilize the area for their utilities if necessary.

Tim asked if they thought this alleyway might become less than 39'. Carol stated she is not sure; she simply wants that in the record.

Roger stated they are addressing the main sewer line that serves Willow Creek Road and the new subdivisions. Commissioner Grandstaff asked if this 11' was abandoned, would that negatively impact their service. Roger stated that is unknown, but if the construction of sewer occurs, the more room the better. Tim asked if the previous abandonment prohibited them for doing any sewer work. Roger stated that is too far down the road to predict. He also noted they are not just talking about sewer, they are talking water lines and 39' is pretty narrow.

Tim stated this has existed for the last 60 years because the 11' strip is not being used anyway except by neighbors (sidewalks, fence etc).

Barry Axtell, also a Corvallis Sewer Board Member stated they are not seizing anything, it is already an easement.

Chuck stated in the next 25 years they might need to add a water line. Therefore they may need the space. It is important to maintain the right of way.

Roger stated when a construction project is underway, that 11' strip is important for numerous construction activities.

Carol stated the agenda would be better served to show more detail in this proposed abandonment.

Tim stated by not allowing this abandonment, the land owners would consider that a seizure of land because of what they have located there.

Public comment was then closed.

Commissioner Thompson stated there is already a fence, eaves of a building, trees etc. in that 11' strip so it could not be utilized for any construction, unless the trees, fence etc. were taken out.

Commissioner Rokosch stated they need to consider the provision for public facilities particularly in light of the county wide land use and zoning (density) they are engaged in. If this provides the main sewer line in Corvallis, even though there is a dog leg, he feels it is important to look to the future. Taking care of this type of infrastructure encourages density. At a minimum he felt the Commissioners need to hold off on any decision until Corvallis Sewer District does more research. He agreed this is a valuable asset to the County and he would not want to give it away then have to purchase it back.

Commissioner Driscoll was now present.

Roger stated he can go onsite tomorrow. George stated he is available to meet onsite with Roger.

Commissioner Grandstaff stated if the Board is concerned with the future easements and does not want to let them go, then why go on site if the petition can be denied.

Roger stated they know they are going to expand the sewer, but he does not have any specifics because they don't know how and when growth will occur.

Carol agreed with Roger and stated the Morton Pump Station is connected into this system.

Roger stated he is aware of the encroachments from the residents, but it does not make it right. Victor is a good example of business encroachments. When the highway is constructed those parking lots that were built out, and did not belong to the businesses, are going to be utilized for the easements for Highway 93 construction.

Commissioner Rokosch agreed if the issue is keeping the easements for the future, then why met onsite.

Commissioner Rokosch made a motion to deny the petition for abandonment. Commissioner Grandstaff seconded the motion. Commissioner Rokosch and Commissioner Grandstaff voted "aye" and Commissioner Thompson voted "nay". Commissioner Driscoll stated she would abstain from this vote due to her absence during this meeting. Glenda noted due to the lack of the quorum by vote (2 for and 1 against) this public hearing should be continued until a full board can address this petition. The Board concurred.

Commissioner Grandstaff made a motion to continue this meeting to July 7th at 10:30 due to the lack of a quorum decision. Commissioner Rokosch seconded the motion and all voted "aye".

The public hearing was adjourned.